

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

In re:)	
)	
Michael R. Ray,)	
)	C/A No. 4:04-0438-RBH
Debtor.)	
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)	
Michael R. Ray,)	
)	C/A No. 4:04-0439-RBH
Appellant,)	
)	
vs.)	O R D E R
)	
Iladen Laureano, et al.,)	
)	
Appellees.)	
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This case is currently before the Court on appellant's "Motion to Dismiss Appeal(s)" filed March 16, 2005. Michael R. Ray filed a notice of appeal of the bankruptcy court's decision on December 19, 2003. Ray alleges in his appeal that there are "errors and statements inconsistent with the record;" that "the [bankruptcy] Court should have acted and decided FIRST on the Object to Removal;" and that "had the [bankruptcy] Court first properly heard the FIRST filed and docketed matter, the matter would have been remanded."

The bankruptcy record was received by this Court on February 11, 2004. On March 5, 2004, Magistrate Judge Thomas E. Rogers, III, filed an order consolidating the two above captioned cases. Ray appealed that order to this Court on March 17, 2004. The Honorable Terry Wooten denied that appeal by order dated June 21, 2004. Ray then appealed Judge Wooten's order concerning the consolidation of his two cases to the Fourth Circuit Court of Appeals on June 25, 2004. The Fourth Circuit denied Ray's appeal on March 4, 2005 for lack of jurisdiction.

On March 16, 2005, Ray filed a “Motion to Dismiss Appeal(s).” Ray moves “the honorable Court to dismiss with his express consent both of the above-stated Bankruptcy Appeal Cases.” In that motion he states:

In that there has been no filing of any brief(s) or resultant replies thereto, consent of any adversarial party. Recently, the Fourth Circuit Court of Appeals has ruled on the pending appeal issue submitted to them by Appellants Notice of Appeal dated June 25, 2004; and that matter has been dismissed.

In that there are no other outstanding matters regarding the appeal, the Appellant would hereby move to dismiss both appeals and remand this matter back to the United States Bankruptcy Court.

Thereafter, the Appellant would ask that the clerk be instructed to close both files of these case and enter dismissals for each.

There has been no response filed to the motion.

As appellant wishes to dismiss his appeal and there has been no opposition filed, appellants motion to dismiss his appeals is **GRANTED** and his appeals are **DISMISSED**.

IT IS SO ORDERED.

s/ R. Bryan Harwell

R. Bryan Harwell

United States District Judge

May 2, 2005
Florence, South Carolina